


CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

2014 AUG 27 PM 3:06
DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

MUHAMMED RAFIQ

No. 5:14-MJ-00128-BG

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18,
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under

18 U.S.C. § 3142(f) because it is a case that involves:

_____ A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (18 U.S.C. § 3142(f)(1)(A)).

_____ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).

X _____ Controlled substances offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).

_____ A felony that was committed after the defendant had been convicted or two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).

_____ A serious risk defendant will not appear. (18 U.S.C. § 3142(f)(2)(A)).

Factual predicate in support of this ground: _____

_____ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).

Factual predicate in support of this ground: _____

_____ A felony that involves a minor victim in a qualifying offense or failure to register as a sex offender. (18 U.S.C § 3142(f)(1)(E)).

_____ A felony that involves the possession or use of a firearm or destructive device, or any other dangerous weapon. (18 U.S.C § 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

 X Defendant's appearance as required.

 X Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e).

The presumption applies because:

 X Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).

_____ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(1)-(3)).

_____ Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. §2332b(g)(5). (18 U.S.C. § 3142(e))

_____ Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

_____ After continuance of three days.

 X After continuance of 10 days under 18 U.S.C. § 3142(d).

_____ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

Grounds for 10 day continuance:

The defendant is, and was at the time the alleged offense was committed:

- ☐ on release pending trial for a felony under Federal, state, or local law;
- ☐ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law;
- ☐ on probation or parole for an offense under federal, state, or local law; or
- ☒ is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant:
 - ☒ may flee; or
 - ☐ pose a danger to any other person or the community.

Dated this 27th day of August, 2014.

Respectfully submitted,

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